

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No. 4720
)	
David HUNG)	Examiner: Sang, Hong
)	
Serial No. 10/622,743)	Group Art Unit: 1643
)	
Filed: July 21, 2003)	Attorney Docket No.: 12.026011 DIV
)	
For: IDENTIFYING MATERIAL FROM)	
A BREAST DUCT)	
)	

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 24, 2009

Dear Sir:

This Amendment is filed under 37 C.F.R § 41.33 and in response to the Order Returning Undocketed Appeal to Examiner mailed June 26, 2009.

Amendments to the Claims are reflected in the Listing of Claims, which begins on page of 2 this paper.

Remarks/Arguments begin on page 4 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

IN THE CLAIMS

Claims 1-12 (Canceled)

Claim 13 (Previously Presented): A method for identifying a patient having breast cancer or breast precancer, said method comprising;

- placing a ductal access tool comprising a single lumen in a breast duct of a patient;
- infusing a fluid into the duct through the single lumen;
- retrieving a ductal fluid sample from the accessed duct through the single lumen; and
- examining the ductal fluid sample to determine the presence of a marker comprising an expression product of a gene encoding a nuclear matrix protein.

Claim 14 (Previously Presented): The method of claim 13 wherein the expression product is a polypeptide.

Claim 15 (Canceled)

Claim 16 (Canceled)

Claim 17 (Previously Presented): The method of claim 13 wherein the nuclear matrix protein is selected from the group consisting of lamin A, lamin B, lamin C, a peripheral matrix protein, nuclear mitotic spindle apparatus protein (NuMA), Topoisomerase II, and an internal nuclear matrix protein.

Claim 18 (Canceled)

Claims 19-20 (Canceled)

Claims 21-24 (Canceled)

Claim 25 (Previously Presented): The method of claim 13 wherein the fluid collected is from a single duct.

Claim 26 (Currently Amended): The method of claim 13 wherein a ductal fluid sample is collected from a plurality of ducts.

Claims 27-28 (Canceled)

Claim 29 (Previously Presented): The method of claim 13 wherein the single lumen has an inner diameter large enough to retrieve clusters of greater than 10 cells.

Claims 30-40 (Canceled)

REMARKS/ARGUMENTS

Status of the Claims

Claims 13, 14, 17, 18, 25, 26 and 29 were previously pending. Claims 1-12, 15-16, 19-24, 27-28, and 30-40 were previously cancelled. Claim 18 has now been canceled. Claims 13, 14, 17, 25, 26 and 29 are now pending. The cancellation of claim 18 does not affect the scope of any other pending claim in the current appeal proceeding.

CONCLUSION

It is believed that no extension is required for this submission. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 502855, accordingly. If any questions or issues remain, the resolution of which the Examiner feels would be advanced by a conference with Applicant, the Examiner is invited to contact Applicant's attorney at the number noted below.

Customer No. 38732

Respectfully submitted,

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